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DISTRICT OF COLUMBIA STATEHOOD

CONSTITUTIONAL CONVENTION

Plenary Session

6:09 p.m., Friday
May 21, 1982

Auditorium
University of the District
of Columbia
929 E Street, N. W.
Washington, D. C.

Delegates Attending

BALDWIN
BARNES
BLOUNT
BRUNING
CASSELL
COATES
COOPER
CORN
CROFT
EICHHORN
FEELY
FREEMAN
GRAHAM
HARRIS
HOLMES
JACKSON
JOHNSON
JONES
JORDAN
KAMENY
LONG
LOVE
MARCUS
CHARLES MASON
HILDA MASON
BRIAN MOORE
TALMADGE MOORE
NIXON
OULAHAN
PARAMORE
ROBINSON
ROTHSCHILD
SCHRAG
SHELTON
SIMMONS
STREET
TERRELL
THOMAS

P R O C E E D I N G S

MR. COOPER: Will the delegates please come to order.

Let's pause for a moment of silent prayer.

[Brief pause]

Before us tonight, we are going to start by reading the article on transition, and as soon as a quorum is present we will elect a chair pro tem and proceed with the adoption of the article on transition. Hopefully, the articles on the Bill of Rights and Health, Housing and Social Services will be in your boxes before you leave tonight.

Delegate Eichhorn?

MS. EICHHORN: We are going to proceed with the article on transition and [inaudible].

MR. COOPER: We are only going to read the article.

MR. T. MOORE: We will respond to any questions.

MS. EICHHORN: Is this the purpose of reading the article, to respond to questions?

MR. COOPER: Yes. Is there a member from the committee who would like to volunteer to read the article tonight?

MR. T. MOORE: We can read it, but I don't know if we are going to be able to respond to all the questions,

because most of the personnel who had to write it are not here.

MR. COOPER: I understand that, but you might want to note that tonight there is no article that is properly in circulation that we can act on tonight. The earliest we will be able to act on anything legally would be tomorrow, if we get the Bill of Rights in the boxes tonight and if we get Health, Housing and Social Services in the boxes tonight.

MS. CORN: Mr. Chairman.

MR. COOPER: Yes, Delegate Corn.

MS. CORN: I would like to know, if you want to give amendments to the Committee on Bill of Rights before first reading--I have here in my hand an amendment I would like--who do I give it to, the committee chair or you as Secretary?

MR. COOPER: You can give it to me, but, Gloria, the committee is about to circulate the article now.

MS. CORN: It's still prior to first reading.

MR. COOPER: I know, but it's so close to the mark.

MS. CORN: I can't help it; it's still prior to first reading. Let the record show that.

MR. THOMAS: Gloria, you behave yourself. I don't see how nobody can love you but momma.

MR. COOPER: Delegate Oulahan?

MR. OULAHAN: Mr. President, when is the Bill of Rights draft going to have a first reading?

MR. COOPER: If we can get it circulated in the boxes tonight, we will hopefully be able to start reading it tomorrow, inasmuch as we believe it might be a very lengthy and involved discussion.

MR. OULAHAN: When you say reading, you mean debating, too, don't you?

MR. COOPER: Yes, I do.

MR. OULAHAN: But there will be a reading of it first before we debate it.

MR. COOPER: Absolutely, and the mandatory thirty-minute question and answer.

MR. OULAHAN: The only comment I have is that those of us who have known that we were going to have amendments to that article, you are putting us under pressure to be able to come forth with something in writing. It's far better to give it in writing and reasons than to try to develop it here on the floor; I think it takes up more time.

MR. COOPER: Yes, I am well aware of that, and the executive committee has been trying to get the Committee on Preamble and Rights to report it out all this week, and it

— just wouldn't come until today.

MR. OULAHAN: Mr. Chair, I would like to move, and I would move when we have a quorum, that the Bill of Rights be advanced till Monday so that those of us who have serious and constructive suggestions vis-a-vis the Bill of Rights are able to get them in by noon on Monday, so that we can have a really constructive debate instead of one which rambles all over the place and writing things up on the board and handing scratches up to you as an amendment.

MR. COOPER: That is a viable solution, but one thing I think we all realize is that the time constraints are really taking a toll on the process; we are not able to process proposals in the regular fashion, and ---

MR. OULAHAN: Mr. President, it's almost as if the Bill of Rights draft was withheld to the last minute so we couldn't debate it.

MR. ROBINSON: That is correct, that is correct, that is exactly what has happened.

MR. COOPER: At this time, delegates, we will call the roll and try and establish a quorum.

MR. ROBINSON: Sitting here and we are watching these people pull things over our eyes, and [inaudible].

MS. CORN: And then having the chair of that

committee get up and give us a sermon.

MR. COOPER: Delegate Eichhorn?

MS. EICHHORN: I would like to object to doing a reading without the delegates here, because when we get into the content we will simply have to repeat the information.

MR. COOPER: That's a valid suggestion.

MS. CORN: May I suggest ---

MR. COOPER: Can we call the roll first?

[The roll is called]

There are sixteen delegates answering the roll.

Delegates, what's your pleasure?

Delegate Corn?

MS. CORN: Our rules are very specific, that no committee may meet during the time called for a plenary session. Might I suggest that one of us, such as Delegate Bruning, go into Style and Drafting and tell them to get in here immediately.

MR. ROBINSON: Delegate Cooper?

MR. COOPER: Delegate Robinson?

MR. ROBINSON: I am going to go into the meeting with the rules in my hand and read it aloud to those people who are carrying on the meeting.

MR. COOPER: Thank you. That saves me from being

a bad guy.

[Laughter]

Delegate Long?

MR. LONG: We have five members of the Local Government Committee, which is responsible for transition, here in the building, four in this room, who can begin reading the article.

MR. COOPER: Can I ask a question of the committee members? Is there any objection among the committee members on the Committee on Local Government to reading this article.

MR. T. MOORE: I would rather read it when the other members are in here.

MR. COOPER: Well, hopefully most of them are on their way.

Delegate Robinson?

MR. ROBINSON: Mr. Secretary, I would like to report that it has served its purpose.

MR. COOPER: Excellent. We are still four members short of a quorum; if we can get four more delegates in the hall, we could begin transacting some business.

MR. LOVE: We don't need a quorum to start reading.

MR. COOPER: At the pleasure of the committee, though, they would like to read with as many members here as

possible.

MR. SCHRAG: Mr. Secretary, there is a problem: this article has not been reported by the committee.

MR. COOPER: I know.

MR. SCHRAG: It seems to me that in order to put it on the floor we should formally discharge the committee, pursuant to the discharge rules.

MR. COOPER: I understand that. We still need three more delegates so that we can attain a quorum.

MR. NIXON: It can be read regardless. Delegates, please remain in the hall, because we do have enough delegates here, but if five delegates go out to retrieve two, we will never get a quorum.

Committee members on Local Government, there seems to be a sizable number of people here. Is it your pleasure to read the article on transition before the body now?

MR. T. MOORE: Delegate Cooper?

MR. COOPER: Delegate Talmadge Moore.

MR. T. MOORE: Since we have debated the article, I was wondering whether it would be in order if the body would discharge the committee from this article, and then we would read it and it would become the body's article?

MR. COOPER: Yes, I was going to suggest that we

dispose ourselves into a committee on the whole and undertake a consideration of this article as a committee on the whole.

Delegate Simmons?

MS. SIMMONS: Delegate Cooper, do you want that done before he reads it?

MR. COOPER: No, it would be done afterward.

MS. SIMMONS: Can he go ahead and read it?

MR. COOPER: Sure.

MR. LOVE: Point of order, Mr. Chairman.

MR. COOPER: Mr. Love?

MR. LOVE: There is nothing in the rules that requires this to be read out loud anyhow; this is something we have been doing as a favor. So it would appear to me that we could begin reading right now--you could read, I could read.

MR. COOPER: I asked the committee members if their pleasure was to read it, but no one responded. Committee members, what is your pleasure? Would you like to read it at this time?

MR. T. MOORE: Yes, we are going to read it, Mr. Chairman.

MR. COOPER: We do have a quorum present. At this point the only business that can be in order would be the

election of a chair pro tem.

At this point the floor is now open for nominations of a chair pro tem.

Delegate Love?

MR. LOVE: I nominate Delegate Jones.

VOICE: Second.

VOICE: Second.

MR. COOPER: The name of Theresa Jones has been placed in nomination as chair pro tem, and properly seconded.

Are there any other nominations?

MS. SIMMONS: I move that the nominations be closed.

VOICE: Second.

VOICE: Second.

MR. COOPER: It has been moved and seconded that the nominations be closed for chair pro tem on the name of Theresa Jones.

Is there any discussion? All those in favor would please signify by saying aye.

[Chorus of "ayes"]

All who are opposed, no.

[No response]

Ms. Jones, would you please take the chair.

MS. JONES: Good evening, this Convention is called

to order.

I recognize Delegate Cooper.

MR. COOPER: Madame Chair, I move that the Convention dispose itself into a body of the whole to undertake the consideration of the article entitled "Transition."

VOICE: Second.

MS. JONES: It has been moved and seconded that the Convention form itself into a body of the whole.

Those in favor will show their hands.

MR. COOPER: 19.

MS. JONES: Those opposed.

[No response]

Any abstentions?

[No response]

We are now as the body of the whole. Delegate Simmons?

MS. SIMMONS: Madame President, that action does not obviate the committee members who are present taking leadership in reading the article and sharing with us their in-depth study and knowledge with regard to the article before us.

MS. JONES: That's true. Who from the committee is going to read? I'm sorry, Delegate Talmadge Moore.

MR. T. MOORE: Thank you, Madame President. I just

wanted to explain briefly about this article. There was no specific disagreement among the members of the committee about this article. It's just a matter of fact that the chairperson hadn't gotten together and gotten it approved from the President. There is no disagreement as a whole.

Section 1. Effective dates.

[Delegate T. Moore reads Sections 1 and 2 of the article. Copy attached]

MR. OULAHAN: Could I ask a question?

MS. JONES: Delegate Oulahan.

MR. OULAHAN: I quite agree with the idea that we should not have elections in July or August in Washington, but I want to ask ---

MS. JONES: Excuse me, Delegate Oulahan, but your question is out of order, because the committee is only reading the article at this point.

MR. OULAHAN: And this isn't a question period?

MS. JONES: No, it's not. The question-and-answer period, I will recognize you first.

MR. OULAHAN: Thank you.

[Delegate T. Moore finishes reading of the article. During the reading, President Cassell assumes the chair.]

MR. T. MOORE: Mr. President, that is the end of

the reading of the transition article.

MR. CASSELL: All right, thank you. The Secretary advises me that we do have a quorum now. The meeting is officially in order.

I see by notation here that after the reading the first questioner will be Mr. Oulahan.

MR. OULAHAN: Mr. Chairman, I am pleased to see that we are going to have no elections in July and August. Normally, what is the earliest date in September that the election would come up? Let us assume the 120 days expires at the end of August. What would be the first date for an election after that?

MR. CASSELL: Are you saying what would be the first date for an election after the primaries?

MR. OULAHAN: After September 1, assuming that 60 of the 120 days occurred in July and August.

MR. CASSELL: It would be the general election which comes in November, the first Tuesday in November, if I understand your question correctly.

What is the import of that? That's pretty well understood, isn't it?

MR. SCHRAG: Mr. President, may I respond?

MR. CASSELL: Yes.

MR. SCHRAG: Under the provision as written to which you refer, Delegate Oulahan, if the time were to run out during July or August, then the 120-day limitation could be extended, if necessary, and presumably the legislature-- Council, that is, at this point--would set the date of this special election, and that could be as soon as the first day of September. If you don't like the first day of September, you could amend the section. But the way it is written it could be set by law to be as early as the first day of September.

MR. OULAHAN: That is precisely the reason I asked the question, because I have had many hearings on the second of September, which means that you don't really get the people.

Is there any way that we could have the insurance in here that there will be at least two weeks before the election would be held, or do we have to leave that up to the legislature?

MR. SCHRAG: If you want to, you can offer an amendment on that subject. This part is thrown out for your consideration.

MR. OULAHAN: I will leave it up to the legislature; I trust them.

MR. CASSELL: All right, further questions on the transition that was just read?

Corn?

MS. CORN: Yes, I have a bit of a problem when we talk about seating the legislators or the Governor twenty days after the date of their elections, you are not allowing, it seems to me, any time, especially if we are with the present Board of Elections--it sometimes takes three or four weeks to certify an election.

When you say twenty days after the date of their elections, are you talking about the actual date of the elections, or are you talking about including the time for certification by the Board of Elections and also the time that allows for the challenge period--you know, somebody wants to say well I challenge these three precincts--not a challenge period, a recount period, and then the time if they say, well, I don't still agree, I think the election was held unfairly, I want to go to court--that takes a certain amount of time. I know how long all these periods go on. And I am sure they are more than twenty days after the actual date of election.

MR. SCHRAG: Delegate Corn, we didn't want a very long period of time to take place between the Congressional

admission of the state to the Union and the time that we actually became a state and had self-government. We wanted to keep that time as short as possible.

Therefore we adopted a schedule that contemplates roughly a ten-month transition, and we tried to work out an election calendar that would facilitate the prompt entry into force of our constitution and the prompt creation of the new state. The Board of Elections will have to work diligently, as I am sure they are capable of, to meet this election calendar.

MS. CORN: Excuse me, but it seems to me that it is an unrealistic amount of time, because even if they certify the election--let's say the election were September 1 ---

MR. SCHRAG: Delegate Corn, this is a period for questions, as I understand it, not for argumentation.

MR. CASSELL: Delegate Corn, let me remind you now this is the period for questions; we want to shorten it. You will have time during the debate. Please do not debate with him.

Mr. Mason?

MR. C. MASON: I assume the Board of Elections would be operating under the present law. Under the present law the certification doesn't take place until generally more than

ninety days after the election. It is necessary under our law for absentee ballots that are postmarked on election day, even if they are in Afghanistan or some place like that, to be counted. It is also necessary to provide for the things which Ms. Corn mentioned.

And in some instances a particular ward or election district may have some problem of recount or something where you would cause certification for that one particular district or ward to be even later than the others.

MR. SCHRAG: May I ask you, Delegate Mason, which section you are concerned about?

MR. C. MASON: I was speaking to the exact same things that ---

MR. SCHRAG: Which section are you particularly pointing to?

MR. C. MASON: Where it says twenty days after the election. 3.A. and B.

It seems to me that the number of days from the date of certification of all the members, the last one certified--X number of days following that--rather than from the election itself.

MR. CASSELL: Delegate Love?

MR. LOVE: I would like to ask the transition

committee, Section 4, which talks about the judges, is my reading of this correct, these judges appointed a year before we become a state [inaudible] and it will be fifteen years before that judge can come up for retention election, or would that judge come up for retention election under the provisions of our constitution?

MR. SCHRAG: The judges appointed under the old system would serve out their terms under the old system; thereafter they would become subject to the laws of the state.

MR. LOVE: So the answer to my question is that if they are appointed for a fifteen-year term one year before we become a state, they will not come up for retention election until fifteen years?

MR. SCHRAG: Yes; I have some question about the legality of doing it any other way. That is, if they have been appointed for a fifteen-year term, including a salary for a fifteen-year term, lawfully by the District of Columbia or the President of the United States, I have some question about the legality of terminating that term without making compensation to those judges even under our constitution.

MS. CORN: Would legal counsel answer?

MR. THOMAS: I agree with Delegate Schrag. I think

there are very serious legal problems with doing it any other way as far as the present judges go.

MS. CORN: So somebody that is appointed by the President three days before we become a state and they are appointed for a fifteen-year term, they cannot have a retention election for fifteen years thereafter?

VOICE: That's what he said.

MR. LOVE: I just asked the question, Gloria.

MS. CORN: I wanted to hear it from him.

MR. CASSELL: Delegate Schrag, are you speaking for the committee now?

MR. SCHRAG: I am speaking for the committee pursuant to the suggestion of Delegate Simmons that the committee address this article, even though this article was not formally voted out of committee because the committee ran out of time before voting it out.

MR. CASSELL: Delegate Rothschild?

MR. ROTHSCCHILD: As regards school boards and ANC, what provision is in there for apportionment and what provision is in here for carrying over of elected officials on ANC and things like that?

MR. SCHRAG: The provision for carrying over elected officials is Section 4.E. on page 5. All other officers

filling any office by election or appointment shall continue to exercise the duties thereof.

MR. ROTHSCCHILD: How about apportionment, because it may be apportioned differently? Are the school board districts going to be the same as the wards are now?

MR. SCHRAG: Remember, this is only a transition article. As soon as the new constitution goes into force, the reapportionment provisions that we are in the process of adopting will go into force, and the Reapportionment Commission established by those provisions will reapportion school board districts, ANC districts, and all other forms of districts.

In other words, there is no need to speak to it in the transition article. If a reapportionment occurs before this goes into effect, the District of Columbia does it; if a reapportionment is necessary after this goes into effect, the state does it pursuant not to these provisions but to the provisions of the constitution on apportionment. The sole exception to that is that a special apportionment is needed for the first legislature, because we are going from eight districts to forty. And so this makes provision for special apportionment, a one-time apportionment for the transition.

MR. ROTHSCILD: Thank you.

MR. CASSELL: Delegate Long? And then Robinson.

MR. LONG: In Section 3.C on page 3 the word "temporarily" is used, and the same word is used in the next section dealing with the legislature. It seems to ambiguous. I wonder if it could say until the Governor assumes office.

MR. SCHRAG: That's the intention of the committee. I think the intention is clear from the first line, that is, if the first election for Governor has not been held by the time the state comes into being, or if for any other reason a Governor cannot assume office on that date. The context I think makes it clear that that is what we mean. However, I am sure that we would have no objection to an amendment clarifying that if you feel that it is necessary.

MR. CASSELL: Okay, we started this question period at 6:50; we go until 7:20.

The next speaker is Delegate Robinson.

MR. ROBINSON: Thank you. I would like to ask the committee, have they thought in terms of any provisions to take into account or take into consideration emergencies such as if there is a death of a key figure during this transition period--we are always instituting programs replacing the existing order with something else, but I never hear of any

contingencies.

This is such an important transition.

MR. SCHRAG: Yes, Delegate Robinson. You may think of the transition as kind of a magic moment in time, and for every instant before that magic moment all the laws of the District of Columbia remain in force, including the laws of succession, so if the Mayor dies, the person entitled to succeed under District law will succeed; after that magic moment, our constitution will be in effect, and we have already adopted on first reading a provision not only for what happens if the Governor dies, but also what happens if the Governor-elect dies. And so I think that on one side or the other of that magic moment, we are protected.

MR. ROBINSON: Thank you.

MR. CASSELL: Okay, further questions on this? All right, I am going to go direct into the debate period now.

Delegate Schrag, will you conduct this period? Would you like to make a motion?

MR. SCHRAG: I move the adoption of Section 1.

MS. SIMMONS: Second.

MR. CASSELL: It's been moved and seconded that Section 1 be adopted.

Discussion? There being no request for discussion,

those in favor of the adoption of Section 1 signify by saying aye.

[Chorus of "ayes"]

Opposed?

[No response]

Abstaining?

[No response]

Okay, Delegate Schrag.

MR. SCHRAG: Move adoption of Section 2.A.

MS. SIMMONS: Second.

MR. CASSELL: Moved and seconded that Section 2.A. be adopted.

Discussion? Those in favor--Delegate Love?

MR. LOVE: I would like to make a motion. It appears to me that you have adopted a different plan of apportionment here than we adopted on the state. I would like to make it consistent with the state portion of the plan, so that we would not give the City Council a chance to play around with apportionment. Under the circumstances, I would like to make a proposal on ---

MR. SCHRAG: Only Section 2.A has been moved at the moment, Delegate Love.

MR. LOVE: That's what I am talking about, 2.A.

MR. CASSELL: What is your amendment, please?

MR. LOVE: At the top of page 2, it says "thirty days after its last member is appointed," I would just like to remove the words "adopt a plan for" and just say "apportion the State."

MR. CASSELL: Is there a second to that amendment?

MS. SIMMONS: Second.

MR. CASSELL: It's been moved and seconded that at the top of page 2 that--I beg your pardon?

MR. LOVE: To be consistent, the last sentence has to be removed as well.

MS. SIMMONS: Right.

MR. CASSELL: All right, why don't you read it as you want it read.

MR. LOVE: Omit the last sentence: "The Commission shall publish this apportionment plan within five days thereafter."

MS. SIMMONS: Delete it.

MR. CASSELL: Okay, does the seconder accept that?

MS. SIMMONS: Second, yes.

MR. CASSELL: Okay. The committee?

MR. SCHRAG: The committee accepts the amendment.

MR. CASSELL: The committee accepts the amendment.

Is there any discussion on that?

Those in favor signify by saying aye.

[Chorus of "ayes"]

Those opposed.

[One or two "nays"]

Abstained?

[No response]

All right, so ordered.

Delegate Schrag?

MR. SCHRAG: We are back to the main motion now,

2.A.

MR. CASSELL: All right. Those in favor of adopting Section 2.A as amended indicate by saying aye.

[Chorus of "ayes"]

Opposed?

[No response]

Abstained.

[No response]

Section 2.A is adopted.

MR. SCHRAG: I move adoption of Section 2.B.

MS. SIMMONS: Second.

MR. CASSELL: It has been moved and seconded that Section 2.B be adopted.

Discussion? Delegate Love?

MR. LOVE: Mr. Chairman, consistent with what we did in 2.A, I move to delete Section B.

MR. CASSELL: Is there a second?

MR. SCHRAG: Second.

MR. CASSELL: It's been moved and seconded that we delete Section B.

Discussion? Those in favor signify by saying aye.

[Chorus of "ayes"]

Opposed?

[no response]

Abstained?

[No response]

Okay. Delegate Schrag?

MR. SCHRAG: Mr. President, I move the adoption of Section 2.C.

VOICE: Second.

MR. CASSELL: It's been moved and seconded that 2.C be adopted.

Discussion? Rothschild.

MR. ROTHSCHILD: We skipped over B.

MR. CASSELL: No, we have not; we deleted B. Further discussion?

MS. CORN: Excuse me, point of order.

MR. CASSELL: Corn.

MS. CORN: I left the room for a total of six minutes. I had understood from you, sir, that the question-and-answer period would be till 10 after.

MR. CASSELL: We have changed that; there weren't any further questions, so we are going on.

Delegate Long?

MS. CORN: Excuse me, sir.

MR. CASSELL: I'm sorry, ma'am, you lost the floor. Delegate Long?

MR. LONG: Consistent with the concern expressed by Delegate Oulahan, I think we need to add a further kind of constraint here that the election not take place before, say, the 15th of September, so we don't get into Labor Day conflicts.

MR. CASSELL: Okay, do you care to make an amendment?

MR. LONG: It says now starting, I guess, the fifth line, there is a phrase beginning "except that these elections shall not take place during July or August," and we could add the phrase: "or before September 15."

MR. CASSELL: All right, is there a second to that?

VOICE: Second.

MR. CASSELL: Delegate Schrag?

MR. SCHRAG: No objection.

MR. CASSELL: Delegate Bruning?

MR. BRUNING: Yes, I want to move a substitute to that to delete everything from the word "except" down to the end of that article.

MR. CASSELL: Is there a second to that?

VOICE: Second.

MR. BRUNING: I understand the intent, I believe, in terms of not having elections during the summer, and I've worked in elections in the summer and it's not the greatest-- but nevertheless I think there is something a bit--I don't know--something [inaudible], I would argue, to say that there are certain times of the year that the electorate for one reason or another cannot deal with the very important task of electing their own government. I realize that after July and August you get the highest turn-out, but [inaudible] summer in Washington means that the body politic [inaudible].

MR. CASSELL: Okay, discussion on that motion?
Robinson.

MR. ROBINSON: I agree wholeheartedly with Delegate Bruning that the phrase should be struck from Section C. The

constitution should only outline the broad framework and leave the particulars for the Commission that will be working on that particular area of transfer.

So I will urge my fellow delegates to vote for the striking of that entire phrase.

MR. CASSELL: Delegate Simmons?

MS. SIMMONS: I would like to associate myself with Delegate Robinson's remarks, and add that I think it is indeed a commentary by us on the judgment of the Commission to think that they would not have the same presence of mind and understanding that we have.

MR. CASSELL: Oulahan? I beg your pardon, do you want to respond to that?

MR. SCHRAG: Yes, please. I think Delegate Robinson and Delegate Simmons may be slightly misunderstanding the effect of the Bruning amendment. The effect of the Bruning amendment would not let the Commission make this judgment. If the section is deleted and the 120 days runs out on the first of August, there would have to be an election on the first of August. The Commission would not have discretion in this matter.

In other words, although you have stated that the Commission would use reasonable judgment, the Commission would

not be given such judgment, because the constitution would require that the special election be held within 120 days after the initial apportionment plan entered into force, and if it weren't practicable to hold those elections in the first sixty days, because of election commission work, and the second sixty days were July and August, or June and July, then it might have to be held during the summer.

MR. CASSELL: Okay, where does that deletion go? From "except" all the way to "August," or all the way to the end of the paragraph?

MR. BRUNING: End of the paragraph.

MR. CASSELL: Okay. Delegate Oulahan, and then Brian Moore.

MR. OULAHAN: I rise to oppose Mr. Bruning's substitute and support the original amendment. Those of us who have a little to do with politics in Washington know that July and August are not the months when things can be done. That is the reason why I understand the City Council is going to put off consideration of the constitution until the November election rather than the September primary, so that the city has a chance to understand what the issues are. I believe that reasoning applies to the situation here.

MR. CASSELL: Moore. Simmons. Corn.

MR. B. MOORE: Yes, I rise to oppose the amendment on the floor. If you look across this country, most elections, federal elections are held in the spring or in the fall, and I am sure that the reason for that was because most states wanted to work around summer and not get involved in the summertimes; secondly, I think it's pretty wise on the part of this state to plan this transition period to avoid that situation because we want to maximize participation on the part of our voters, and I would think this would demonstrate to Congress and to the voters out there that we are making the necessary provisions.

So I urge you to vote down this provision, this amendment.

MR. CASSELL: All right, we have had two for and two against.

The motion on the floor is to delete, on line 5, everything from "except" all the way to the end of the paragraph.

Are we ready to vote? Those in favor of closing debate, please signify by saying aye.

[Chorus of "ayes"]

Opposed?

[No response]

Abstained?

[No response]

Okay, those in favor of the deletion as indicated by Delegate Bruning please indicate by saying aye.

[Scattered "ayes"]

Opposed?

[Chorus of "noes"]

Abstained?

[No response]

Motion loses.

The original motion is ---

MS. SIMMONS: Mr. President?

MR. CASSELL: Yes.

MS. SIMMONS: I would like to offer an amendment that the number of days be changed from 120 days to 160 days.

MS. CORN: Second.

MS. SIMMONS: And likewise, after changing to 160 days, a period following "force," and the deletion of the rest of that paragraph.

VOICE: Point of order.

MR. CASSELL: One moment, please.

MS. CORN: I withdraw my second.

VOICE: I second it.

MR. CASSELL: One moment, please.

MS. SIMMONS: Yes, I think you are right.

MR. CASSELL: Okay, there is an amendment on the floor, and that is Delegate Long's amendment, and his amendment is to place after "August," "or before September 15."

Okay, that motion is on the floor. Are we ready to vote on that motion?

Those in favor of Delegate Long's insertion signify by saying aye.

[Chorus of "ayes"]

Opposed?

[No response]

Abstained?

[No response]

Okay, that motion carries, and it is so amended.

Corn?

MS. CORN: Another amendment. Change 120 days to

MS. SIMMONS: We don't need that now.

MS. CORN: I would still say 180 days to give time for campaigns and learn the issues.

MS. SIMMONS: Don't need it now.

MR. CASSELL: I really don't see that that is needed.

Is there a second to that?

[No response]

That motion dies for lack of a second. Okay, we are back to the original amendment now--or, I beg your pardon, we are back to C, as amended by Delegate Long--Section C.

MR. SCHRAG: Mr. President.

MR. CASSELL: Yes.

MR. SCHRAG: May I call the attention of the delegates to the technical change that Mr. Moore read when he was reading the article, that the words "and Secretary of State" were inserted on the second line after the word "Governor."

MR. CASSELL: Okay, that is part of the report.

MR. SCHRAG: Part of the original motion, yes.

MR. CASSELL: Okay, we are back to C, as amended. Those in favor signify by saying aye.

[Chorus of "ayes"]

Opposed?

[No response]

Abstained?

[No response]

Delegate Schrag.

MS. CORN: Point of order.

MR. CASSELL: State your point.

MS. CORN: I don't know if it's a point of order or a point of personal preference. Because, sir, I had not known that you were going to not use up the whole question time period, as you had said, I came back to an already passed Section 2.A. I had an amendment to that, you have already passed it. Is there any way that I could introduce that amendment?

MR. CASSELL: I'm afraid not. Delegate Schrag.

MR. SCHRAG: Move the adoption of Section 3.A.

MS. SIMMONS: Second.

MR. SCHRAG: Oh, I move the adoption of Section 2 as a whole.

VOICE: Second.

MR. CASSELL: It's been moved and seconded that Section 2 as a whole be adopted.

Delegate Corn.

MS. CORN: I would like to move one amendment to Section 2.A, and that would be after the words "District's eight wards," ---

MR. SCHRAG: Point of order, Mr. President.

MR. CASSELL: Yes, point of order.

MR. SCHRAG: We have passed Section 2.A. I think the only thing in order at this point is the addition of a

new Section 2.D. I don't think 2.A can be amended at this point.

MS. CORN: All right, then I will add a Section 2.D.

MR. CASSELL: Delegate Schrag is correct.

MS. CORN: Then I will add a Section 2.D. "The membership of this Commission shall not include more than a simple majority from the majority political party in power."

MR. CASSELL: Is that clear? Is there a second to that?

[No response]

Motion dies for lack of a second.

All right, the vote now is on Section 2, as amended. Those in favor of adopting Section 2 as a whole, as amended, please indicate by saying aye.

[Chorus of "ayes"]

Opposed?

[No response]

Abstained?

MS. CORN: Abstain.

MR. CASSELL: Okay, Section 2 is adopted. Delegate Schrag.

MR. SCHRAG: I move the adoption of Section 3.A.

MS. SIMMONS: Second.

MR. CASSELL: It has been moved and seconded that Section 3.A be adopted.

Delegate Love?

MR. LOVE: Mr. Chairman, I have given to you a proposed amendment which I would like read.

MR. CASSELL: Why don't you read it yourself, it's not too clear.

MR. LOVE: I will give you my own copy.

MR. CASSELL: No reflection, it's just obviously written rather hurriedly.

MR. LOVE: I would move to replace the first sentence with the following: "At a public drawing, either all the even or all the odd numbered legislative districts shall be labelled as 'Group A'."

MR. CASSELL: Is there a second?

MS. SIMMONS: Let's use numbers instead of letters. Second.

MR. CASSELL: All right, it's been moved and seconded that the language just read to us be adopted. The committee. Mr. Schrag.

MR. SCHRAG: Mr. President, I think we have to oppose this amendment, because it might lend itself to

manipulation by simply numbering certain districts odd and certain districts even. That is, since there is no requirement in the Love amendment that odd districts and even districts be arranged contiguously, all the odd districts could be in one part of town and all the even districts could be in another part of town. A random drawing is a much more satisfactory way to achieve the desired staggering of terms and to assure against geographical discrimination.

And that is why the committee drew this up the way it did, to have a truly random selection of which legislators had short terms and which had long terms for the initial term.

MR. CASSELL: Further discussion on the Love amendment? Long.

MR. LONG: I think the fear expressed by the committee is unfounded ---

[Mr. Cassell gavel for order]

All this amendment does is designate by lot that one of those groups be Group A. If anybody is going to try to manipulate something, they won't know which group to deal with because they don't know which group is going to be Group A.

MR. CASSELL: Further discussion on the Love

amendment?

MR. LOVE: Fellow delegates, the point of this is very simple. It means that in one election, legislators 2, 4, 6, 8, 10, 12 will be up, in the other election 1, 3, 5, 7, 9. It will make it much easier for people around the city which group is up in a particular election. It is not designed to allow manipulation, it's just to make it easier for the voters. Most states that do have staggered elections divide it this way; that way the voters know it's even that is coming up this two years and it's odd that is coming up another two years.

MR. CASSELL: Mr. Secretary, would you read that amendment please from the floor where you are?

MR. COOPER: "At a public drawing, either all the even- or all the odd-numbered legislative districts shall be labelled as 'Group A'."

MR. CASSELL: Okay, those in favor of that amendment to Section 3.A indicate by saying aye.

[Chorus of "ayes"]

Those opposed to that amendment.

[Chorus of "noes"]

Those abstaining.

[No response]

The chair needs to see hands. Those in favor of the Love amendment please raise your hands.

MR. COOPER: 6.

MR. CASSELL: Those opposed.

MS. CORN:.. Point of order. Is there a quorum?

MR. COOPER: 9.

MR. CASSELL: Those abstaining.

[No response]

Okay, the question has been raised as to whether there is a quorum.

The proper procedure, to save time, is if you believe that there is not a quorum, you simply take a quorum count and advise the chair. The Secretary has just made a count and he indicates now that there is twenty three.

We are back to the original motion, and that is to adopt Section 3.A.

MS. SIMMONS: Excuse me, Mr. President, we never heard--that interruption never gave us the count on the amendment.

MR. CASSELL: Mr. Secretary.

MR. COOPER: 6 in favor, 9 not in favor.

MR. CASSELL: No abstentions.

MR. SCHRAG: Mr. President.

MR. CASSELL: Yes.

MR. SCHRAG: I move the adoption of--oh, we are back to the main motion, aren't we.

MR. CASSELL: We are back to the main motion. Those in favor of Section 3.A, as read, indicate by saying aye, please.

[Chorus of "ayes"]

Those opposed.

[One or two "nays"]

Abstaining.

[No response]

Motion carries.

Delegate Schrag.

MR. SCHRAG: Mr. President, I move the adoption of Section 3.B.

VOICE: Second.

MR. CASSELL: The adoption of 3.B has been moved and seconded.

Discussion? Corn.

MS. CORN: Yes, I was going to make this amendment to the last section as well as for this section. I submitted it to Delegate Cooper as an amendment to be made in the last section, and you didn't recognize me, sir, before you called

the question on the whole section.

MR. CASSELL: I'm afraid you were just out of the room. You can't be recognized ---

MS. CORN: Sir, I was not ---

MR. CASSELL: Delegate Corn, you have the floor on Section 3.B.

MS. CORN: Sir, I had meant to make a motion, an amendment on 3.A.

MR. CASSELL: I am indicating to you that you lost your opportunity. You now have the floor in connection with 3.B; if you want it, make your amendment.

MS. CORN: I gave it to the Secretary. Would the Secretary please read it.

MR. COOPER: [Inaudible].

VOICE: Can't hear him.

MS. CORN: This is 3.B, after the words--would you read the whole thing, please?

MR. CASSELL: Delegate Corn, you asked him to read it, right? You should ask me to ask him to read it. Now let him read it, all right?

MR. COOPER: "...the certification of their election and the expiration of the recount and count-challenge period."

VOICE: Where does it go?

MS. CORN: "court-challenge period."

VOICE: Point of information.

MS. CORN: May I read it myself?

MR. CASSELL: Delegate Corn, please be specific as to where it goes and read it in its entirety, and do not debate until you get a second.

MS. CORN: Okay, this is in line 2 of 3.B, it goes after the word "after" and before the words "and shall expire." And the following phrase would be inserted: "after [sic] the certification of their election and the expiration of the recount and court-challenge period"--so the whole sentence would read: "The terms of office of the first Governor and Secretary of State shall begin twenty days after the certification of their election and the expiration of the recount and court-challenge period and shall expire on the second day of January following the date of the next Presidential election."

MR. CASSELL: Delegate Corn, would you submit that to the Secretary so he can see what you are reading?

VOICE: Point of order, there's no second.

MR. CASSELL: Was there a second on that?

VOICE: There was no second.

MR. CASSELL: All right, motion dies for lack of a second.

The motion on the floor is to adopt Section 3.B.
Further discussion?

Delegate Schrag.

MR. SCHRAG: Mr. President, since numerous delegates have raised the question about how we count, and there is some ambiguity in the writing of this section, although it was intended that we meant certification when we said election, may I just ask unanimous consent of this body to permit us to insert "certification" both in this section and in the previous section?

MR. CASSELL: All right, specifically where now?

MR. SCHRAG: Okay, this would be "after certification of their election" on line 2 and the same words, "certification of their election" on the third line of the preceding section.

MR. CASSELL: By comment consent, can we accept that? It's simply a clarification, in B and in A.

[Calls of "yes"]

Very good.

MS. CORN: Point of information, please.

MR. CASSELL: Yes?

MS. CORN: Delegate Schrag, as you might recall from the last election, supposing the election is November 4 and the Board of Elections certifies an election November 20th. There is still allowed a time period during which the opponent may ask for a recount, and then if the opponent is not happy, they may even go to court and say parts of the election were illegally held.

Is that taken into account any way in this? Yes or no.

MR. SCHRAG: No. Delegate Corn, certification I think is about as far as we ought to go. The case where there is a challenge and a court suit and so forth is the rare case. Most of these elections are not going to be resulting in suits in the Supreme Court, and I don't think we should hold up the seating of our first legislature and our first Governor simply because in one legislative district there might be a court suit. If there is a challenge, there are legal procedures for dealing with that, and the normal procedures will obtain.

MR. CASSELL: Okay, fine, the motion on the floor now is Section 3.B, which has been amended by common consent by adding after the word "after" on the second line "certification of"--we have agreed to do that on the previous

—
paragraph.

Those in favor of Section B now, as amended by common consent, please indicate by saying aye.

[Chorus of "ayes"]

Opposed.

[One "nay"]

Abstained.

[No response]

Delegate Schrag.

MR. SCHRAG: I move the adoption of Section 3.C.

MS. SIMMON: Second.

MR. CASSELL: Moved and seconded that Section 3.C be adopted.

Discussion? There being no discussion, those in favor signify by saying aye.

[Chorus of "ayes"]

Opposed.

[One "nay"]

Abstained.

Delegate Schrag.

MR. SCHRAG: Move the adoption of Section 3.D.

MS. SIMMONS: Second.

MR. CASSELL: Section 3.D is moved and seconded.

Discussion? Corn.

MS. CORN: I would like to ask this, as I would have liked to ask in the section ---

MR. CASSELL: We don't need the qualifications. Every extra word wastes time. Just tell us what it is that you want to know.

MS. CORN: What do you mean that if the election is not held for some reason, the members of the legislature cannot assume office.

Just what do you mean by that? If your plan is properly set up, then the election should take place ---

MR. CASSELL: Question, you have asked your question, don't debate your question, let him answer your question.

MR. SCHRAG: The second phrase refers to the case where the first election has taken place but perhaps a lawsuit has been filed and an injunction has been issued against the seating of the members of the legislature. In that event we have to have someone to exercise the legislative power of the state, and this section so provides.

MR. CASSELL: Further questions on Section D?

MS. CORN: May I ask one more ---

MR. CASSELL: Please, you are not recognized.

Simmons.

MS. SIMMONS: I call the previous question.

VOICE: Second.

MR. CASSELL: Those in favor of cutting off debate signify by saying aye.

[Chorus of "ayes"]

Opposed.

[One "nay"]

Abstain.

[No response]

We are voting now on Section 3.D. Those in favor of Section 3.D signify by saying aye.

[Chorus of "ayes"]

Opposed.

[One "nay"]

Abstain.

[No response]

Adopted.

MR. SCHRAG: Mr. President, move that Section 3.E be adopted.

VOICE: Second.

MR. CASSELL: Moved and seconded that 3.E be adopted.

Discussion? Corn.

MS. CORN: Question. Would you tell me exactly what the section means?

MR. CASSELL: Delegate Schrag, see if you can give us a very brief description.

MR. SCHRAG: This section simply provides that if it would happen that between the--that within the ten-month period, between the time that this section of the constitution becomes effective, which is on the date specified by the federal legislation, and the date ten months thereafter when the rest of the constitution enters into force, if during that time normal Council elections or normal mayoral elections would normally take place, those elections shall not take place, and instead the Mayor and the Council will have their terms extended by a couple of months so that we don't have to go to the expense of a special election for a Mayor and Council who will only serve for a few months.

MR. CASSELL: Further discussion on Section 3.E. There being none, those in favor of adopting Section 3.E, signify by saying aye.

[Chorus of "ayes"]

Opposed.

[No response]

Abstain.

[No response]

Delegate Schrag.

MR. SCHRAG: Mr. President, before I move the adoption of the entire section, I would like to note for the delegates that the counsel has raised a question as to whether we should have an additional provision in this section, and the committee has not considered this question and takes no position on it, but I will move the proposal just to put it on the floor and let the delegates make up their minds one way or the other.

MR. CASSELL: Is that written?

MR. SCHRAG: No, I'm sorry, it's not, but it is very simple and clear.

MR. CASSELL: Okay.

MR. SCHRAG: It would simply say--the suggestion made by the counsel for your consideration--he is not urging it on you, but he is just saying you ought to think about it --would add a Section F. "The first terms of the Governor and Secretary of State first elected shall count as a full term for the purpose of determining eligibility for re-election only if they are four years or longer in duration."

Now, if somebody will second that, just for the

purpose of debate, ---

VOICE: Second.

MR. SCHRAG: I will just explain that what the counsel has suggested we consider is the possibility that the first term of Governor will be or could be of an especially short duration, depending on when we are admitted to the Union. And since we have put a two-term hold on the Governors, since the Governor can't serve more than two terms normally, under an article that was adopted since this was written, we haven't considered the question--we never considered the question whether that particular Governor who serves a short term, shorter than four years, should be eligible to serve two-and-a-fraction terms.

And I just put that before you for your consideration.

MR. CASSELL: Mr. Counsel, is that an accurate reflection of your recommendation?

MR. THOMAS: Yes.

MR. CASSELL: All right. It's been moved and seconded that the amendment suggested by the counsel be adopted.

Discussion? Robinson. Long.

MR. ROBINSON: I would like to know, since the

committee has had it longer than we have had it, have the committee members taken a poll among themselves?

MR. CASSELL: The committee indicated that they really don't take a position on that; they just put it before us for our consideration. The counsel isn't insistent nor is the committee; it is for our consideration.

Delegate Long?

MR. LONG: I would speak in favor of the proposed amendment. The restriction we put on there of two terms was essentially to eliminate repeated election. Because of the peculiarity of timing, it's not going to be any terrible threat if it turns out to be nine years instead of eight because there is a one-year term at the beginning. I don't think that violates the spirit of the constitution. It allows the chief executive to have a chance to run again, to serve out a term, which is consistent with the spirit of the constitution.

MR. CASSELL: Before we go further, Mr. Counsel, do you have that written out so that our Secretary can see it?

MR. THOMAS: Yes, it's in my report.

MR. SCHRAG: The language that I read is very close to the counsel's language; I adapted it to make it fit in this section, and I will write it out for the Secretary.

MR. CASSELL: Delegate Schrag, I understand it's in the report. Could we have a copy of the report? We will copy it off and then give it back to you.

Delegate Simmons.

MS. CORN: Point of information.

MR. CASSELL: State your point of information.

MS. CORN: In Section 3.B, where it talks about the Governor, and it says the term of office of the Governor shall begin twenty days after and shall expire on the second day of January following the date of the next election, the next sentence reads: "If this provision would result in terms shorter than one year, their terms shall expire on the second day of January of the year after the second Presidential election year following their election."

How does that relate to this? In other words, the way it works out, then, they might be elected for let's say a three-year term the first time, and then you would give them two more four-year terms?

MR. SCHRAG: Yes, the idea of this section is if they are elected for a three-year term the first time around, if this amendment were adopted, they might serve as long as eleven years in office.

MR. CASSELL: All right, now, there is a motion on

the floor to adopt an additional section, a Section F to Section 3--that would be 3.F.

Can you read that again before we vote, Mr. Secretary?

MR. SCHRAG: "The first terms of the Governor and Secretary of State first elected shall count as a full term for the purpose of determining eligibility for re-election only if they are of four years or longer in duration."

MR. CASSELL: All right, those in favor of that amendment, an additional section, Section 3.F, please indicate by saying aye.

[Chorus of "ayes"]

Opposed.

[One "nay"]

Abstain.

[No response]

Okay, that carries.

The entire section now, Mr. Schrag.

MR. SCHRAG: I move the entire section be adopted.

VOICE.: Second.

MR. CASSELL: The entire section, as amended, has been moved. Those in favor signify by saying aye.

MS. CORN: Point of order. I had my hand up; I

wanted to speak against the section.

MR. CASSELL: Please speak.

MS. CORN: I urge you to vote down this section for a few reasons, one of them, and primarily, being that under this section people will be seated before there is the opportunity for a recount, before there is an opportunity for a court challenge. This seems to me highly irregular, and what Delegate Schrag is suggesting is, well, that's fine, if it doesn't work out, the candidate who feels that he has been wronged should put a temporary injunction on the whole thing, and then the City Council members or the Mayor will be seated, because we haven't allowed the proper time to allow a proper challenge after certification.

I think that is really reverse logic.

MR. CASSELL: All right, we are now ready to vote on Section 3, as amended.

MS. CORN: Thank you.

MR. CASSELL: Those in favor of Section 3, as amended, signify by saying aye.

[Chorus of "ayes"]

Opposed.

[One "nay"]

Abstain.

[No response]

Section 3 carries. Delegate Schrag.

MR. SCHRAG: Mr. President, I move the adoption of Section 4, with the typographical error corrected that Delegate Moore noted, that is, the word "Superior" at the very beginning of the fourth line should be "Supreme." This is 4.A.

MS. SIMMONS: Second.

MR. CASSELL: Moved and seconded that Section 4.A be adopted.

Discussion? Love.

MR. LOVE: Mr. Chairman, I rise to point out to The Washington Post and our fellow delegates that this is an extremely generous provision, our courts being under the control of judges who are appointed by the President for a decade or more, and I expect to hear no complaints from the courts as we begin to campaign to become a state.

Thank you.

MR. CASSELL: Further discussion? Those in favor of adopting Section 4.A, as amended, please signify by saying aye.

[Chorus of "ayes"]

Opposed.

[No response]

Abstain.

[No response]

Section 4.A is adopted. Delegate Schrag.

MR. SCHRAG: Mr. President, I move the adoption of Section 4.B with one typographical error corrected, and that is after the words "Board of Governors," there should be inserted "of the unified state bar".

VOICE: Second.

MR. CASSELL: All right, discussion on that?

MR. ROBINSON: Point of information.

MR. CASSELL: State your point of information, Delegate Robinson.

MR. ROBINSON: Delegate Schrag has just advised us of a correction, and I didn't get the full text of the statement. Would he please repeat?

MR. CASSELL: The chair will read it for you. On line 4, Section 4.B, beginning with the word "basis," "basis, and the Governor and Board of Governors of the unified state bar..." "...of the unified state bar" is to be inserted immediately after "Governors," and then it will be "shall determine, for..." That would complete that line.

Delegate Harris, point of information.

MS. HARRIS: Point of information to Delegate Schrag. Does the article on judiciary state that the Board of Governors of the unified state bar, along with the Governor, will determine which appointees shall serve which terms?

MR. SCHRAG: Yes, Delegate Harris. This was drawn out of the article on the judiciary. The Governor gets a certain number of appointments, the Board of Governors gets a certain number of appointments. Each of them shall decide, for their respective initial appointments, which of those appointments gets a term longer than which other members, so that we end up with staggered terms from then on.

MS. HARRIS: It was my understanding that the Board of Governors, as you mentioned, and the Governor would determine which persons shall sit on the Commission, but it wasn't my understanding that the Board of Governors of the unified bar would determine which appointees shall serve which term. I thought the judicial--once they were appointed to the judicial nomination commission, then, as a group, they would either pull straws, or whatever, to determine who would serve, not that the Board of Governors of the bar would determine which terms their appointees would serve.

MR. SCHRAG: Just one second, Delegate Harris, let

me read you the section from the article on the judiciary that we approved on first reading.

Section 3.13.

MS. HARRIS: Is this the original copy.

MR. SCHRAG: Of the original copy of what we approved on first reading says: "The Governor and Board of Governors of the unified state bar shall designate, at the time of their appointments, the order that members shall serve their terms."

And so what we have done in this section is try to make that entirely consistent with what we did in judiciary.

MR. CASSELL: Okay, further discussion on Section 4.B?

There being none, those in favor of adopting Section 4.B, with the amendment "of the unified state bar," as indicated, indicate by saying aye.

[Chorus of "ayes"]

Opposed.

[No response]

Abstain.

[One "abstain"]

Section 4.B is adopted. Delegate Schrag.

MR. SCHRAG: Move the adoption of 4.C.

MS. SIMMONS: Second.

MR. CASSELL: Moved and seconded that Section 4.C be adopted.

Discussion? There being no discussion, those in favor of adopting 4.C signify by saying aye.

[Chorus of "ayes"]

Opposed.

[No response]

Abstain.

[No response]

Delegate Schrag.

MR. SCHRAG: Move the adoption of 4.D.

VOICE: Second.

MR. CASSELL: Discussion? Mason.

MR. C. MASON: [Inaudible]

MR. CASSELL: I'm sorry, the chair didn't hear that.

MR. SCHRAG: Delegate Mason points out a typographical error, there should be one "l" in "Marshalls".

MR. CASSELL: All right, discussion on D? Those in favor of adopting 4.D as written indicate by saying aye.

[Chorus of "ayes"]

Opposed.

[No response]

Abstain.

[No response]

Delegate Schrag.

MR. SCHRAG: I move the adoption of 4.E.

VOICE: Second.

MR. CASSELL: Moved and seconded that 4.E be adopted.

Discussion? Those in favor indicate by saying aye.

[Chorus of "ayes"]

Opposed.

[No response]

Abstain.

[No response]

The entire section, Delegate Schrag?

MR. SCHRAG: I move the adoption of the entire Section 4.

MS. SIMMONS: Second.

MR. CASSELL: It has been moved and seconded that the entire Section 4, as amended, be adopted. Those in favor indicate by saying aye.

[Chorus of "ayes"]

Those opposed.

[No response]

Abstain.

[No response]

Delegate Schrag.

MR. SCHRAG: Mr. President, I move the adoption of Section 5.A.

MS. SIMMONS: Second.

MR. CASSELL: Section 5.A has been moved. Delegate Mason?

MR. C. MASON: I would offer an amendment that after the word "regulations" we insert the language "of the District of Columbia." I think there is a little ambiguity about that.

MR. SCHRAG: I will accept that, Mr. President.

MS. SIMMONS: Second.

MR. CASSELL: Okay, moved and seconded that the words "of the District of Columbia" be inserted after "regulations."

Discussion? Those in favor indicate by saying aye.

[Chorus of "ayes"]

Those opposed.

[No response]

Abstain.

[No response]

Any further amendments to Section A?

Simmons?

MS. SIMMONS: I move the question.

MR. CASSELL: Okay, those in favor of closing debate, indicate by saying aye.

[Chorus of "ayes"]

Opposed.

[No response]

Abstain.

[No response]

Those in favor of Section 5.A, as amended, indicate by saying aye.

[Chorus of "ayes"]

Opposed.

[No response]

Abstain.

[No response]

Delegate Schrag.

MR. SCHRAG: I move the adoption of 5.B.

MS. SIMMONS: Second.

MR. CASSELL: Moved and seconded that 5.B be adopted.

Delegate Mason.

MR. C. MASON: I move to strike the word "Federal" and substitute the language "Legislation passed by Congress". This actually is not federal legislation.

VOICE: Second.

MR. C. MASON: I think what was meant was pointing out that there is local legislation which by reason of the time when it was enacted, or otherwise, was passed by Congress and not by the Council. It is not strictly federal legislation, legislation which the Council itself could change or appeal right now. [Inaudible].

MR. CASSELL: Delegate Simmons, state your point.

MS. SIMMONS: My point is that I believe we can accept the sense of Delegate Mason's statement because it does not violate the purpose here, and I think it is really a style and drafting aspect, it could be handled even there.

MR. CASSELL: Delegate Schrag.

MR. SCHRAG: I think the committee can accept this. I don't know of any reason not to, and the language that Mr. Mason has suggested would seem to be a helpful clarification.

MR. CASSELL: Okay, the amendment is to eliminate "Federal" and to make "Legislation" the first word and insert after "Legislation," "passed by Congress".

Those in favor indicate by saying aye.

[Chorus of "ayes"]

Opposed.

[No response]

Abstain.

[No response]

The motion before you is to adopt Section 5.B,
as amended.

MR. OULAHAN: Mr. President, I have another amendment.

MR. CASSELL: Delegate Oulahan.

MR. OULAHAN: I have to ask a question first of
Delegate Schrag.

Delegate Schrag, is the purpose of B to nullify,
for example, the ban on commuter tax which is contained in
the 1973 Home Rule Act?

MR. SCHRAG: The purpose of B is not to nullify
anything, Delegate Oulahan; the purpose of B is to adopt at
least temporarily all of the legislation passed by Congress
applicable only to the District of Columbia, so that there is
no accidental lapse in any law.

MR. CASSELL: Further discussion?

MR. OULAHAN: I therefore move the following

amendment, Mr. President, to strike out the words in the third line: "subject to amendment or repeal by the legislature."

MR. CASSELL: Is there a second?

VOICE: Second.

MR. CASSELL: It has been moved and seconded that "subject to amendment or repeal by the legislature" in the last line of B be struck.

MR. OULAHAN: I will withhold my comments until the end.

MR. CASSELL: Delegate Schrag.

MR. SCHRAG: I may not understand the Oulahan amendment, but if I do I have to oppose it very vigorously. The right to pass laws and to amend all laws in force is an inherent right of every sovereign state, and we must make it clear that while we are adopting legislation passed by Congress to prevent any accidental inadvertent lapse, we reserve to the state the right that any state has to repeal or amend any of its legislation.

And Delegate Oulahan's amendment, if I understand it correctly, which perhaps I don't, could have the effect of precluding us from repealing or amending some of the legislation which we ourselves would have adopted by virtue

of this section.

MR. CASSELL: Delegate Kameny.

MR. KAMENY: Yes, if I understand what you are proposing, keeping in mind that prior to 1975 all the laws in the District of Columbia were passed by Congress, all of them--this means that we can change nothing that existed on our statute books that was enacted prior to our present home rule law.

And that freezes us into an enactment by Congress in 1901 and any other time, and we can never change those at all. We might as well not have a state whatever.

I strongly urge that this amendment be voted down.

MR. CASSELL: Oulahan.

MR. OULAHAN: Mr. Chairman, the purpose of my amendment is really to get at the problem of the commuter tax. Under the Home Rule Act at the present time, Congress has specified that no tax may be levied, directly or indirectly, on the income of any person who is not a resident of the District of Columbia.

I had a proposal to consider this--I wasn't here at the time that it came up. I gather that the committee involved did not want to discuss it. What I am trying to prevent here, Mr. President, is a collision course with

Congress, because if the legislature should decide that it wanted to remove that prohibition in the Home Rule Act, we will be on a collision course with Congress rather than trying to work it out, as I suggested in my draft amendment, on a reciprocity basis, as far as non-residents or private employees are concerned, or on a reciprocal basis with the government so far as federal employees are concerned.

I know we haven't discussed this very much, but I think this is a [inaudible], and I therefore suggest that this amendment be adopted.

MR. CASSELL: Okay, we had two against, one for. Anybody else for?

MS. CORN: May I ---

MR. CASSELL: All right, I want to take a vote on this now.

MS. CORN: Point of order.

MR. CASSELL: Are you sure this is it?

MS. CORN: I would like to make a substitute amendment.

MR. CASSELL: Do it quickly.

VOICE: That isn't a point of order.

MS. CORN: That will take into account both Delegate Oulahan's point of view and the point of view of ---

MR. CASSELL: Make the amendment and then you can give us the qualifications.

MS. CORN: I would like to leave it as it is through the three lines, and then put "; the only exception herein is the commuter tax."

MR. CASSELL: Is there a second?

MS. CORN: It shall remain in force.

MR. CASSELL: Dies for lack of a second. The Oulahan motion is to strike "subject to amendment or repeal by the legislature."

Those in favor of the Oulahan amendment signify by saying aye.

[Chorus of "ayes"]

Opposed.

[Chorus of "noes"]

Abstain.

[No response]

Motion loses.

The original motion on the floor, as amended, is 5.B. Those in favor of 5.B, as amended--you recall what the amendment was: "Legislation passed by Congress applicable, etcetera, etcetera." Those in favor of that indicate by saying aye.

[Chorus of "ayes"]

Opposed.

[No response]

Abstain.

[No response]

Motion carries. Delegate Schrag.

MR. SCHRAG: Mr. President, I move the adoption of 5.C.

MS. SIMMONS: Second.

MR. CASSELL: 5.C, it has been moved and seconded that 5.C be adopted.

Discussion? Corn.

MS. CORN: May I ask a question first, and then if I am not happy with the answer make an amendment?

MR. CASSELL: What is your question?

MS. CORN: Okay, on line 5, "as modified in accordance with the provisions of this Constitution," would Delegate Schrag explain to me, or give me an example of what that might be?

MR. SCHRAG: Yes. For example, the members of the Council have certain terms of office that might be cut short by the grant of statehood when the new legislature and new Governor take over. Those members' claims to certain rights

might be modified by this constitution.

MS. CORN: What about things like, for instance, if you have a lawsuit going against someone, can that be modified?

VOICE: Point of order.

MR. CASSELL: I'll allow that question.

MR. SCHRAG: That's a very tricky legal question, actually, Delegate Corn. It doesn't have a yes-or-no, unqualified answer. It would be a very complicated subject. Yes, it is possible that supervening legislation or a supervening constitution can affect a right that is in the process of being adjudicated.

MR. CASSELL: Okay, further discussion on Section 5.C?

MS. CORN: I would like to make an amendment. then, sir, as I had said I might if I didn't like the answer.

MR. CASSELL: Very good.

MS. CORN: I would like to delete the words "except as modified in accordance with the provisions of this Constitution."

MR. CASSELL: Is there a second to that? Motion dies for lack of a second.

Further discussion on Section 5.C, please?

VOICE: Move the previous question.

VOICE: Second.

MR. CASSELL: Those in favor of closing debate signify by saying aye.

[Chorus of "ayes"]

Opposed.

[One "nay"]

Abstain.

[No response]

Okay, the motion on the floor is Section 5.C. Those in favor of Section 5.C, as written, indicate by saying aye.

[Chorus of "ayes"]

Opposed.

[No response]

Abstain.

[One "abstain"]

Delegate Schrag.

MR. SCHRAG: I move the adoption of 5.D.

VOICE: Second.

MR. CASSELL: Moved and seconded that 5.D be adopted. Discussion? There being no discussion, those in favor of adopting 5.D, as written, indicate by saying aye.

[Chorus of "ayes"]

Opposed.

[No response]

Abstain.

[No response]

Delegate Schrag.

MR. SCHRAG: Mr. President, I move the adoption of 5.E.

VOICE: Second.

MR. CASSELL: Moved and seconded that 5.E be adopted.

Discussion? There being no discussion, those in favor of adopting 5.E, as written, indicate by saying aye.

[Chorus of "ayes"]

Opposed.

[No response]

Abstain.

[No response]

MR. SCHRAG: Mr. President, I move the adoption of Section 5.

VOICE: Second.

MR. CASSELL: Moved and seconded that Section 5, as amended, be adopted.

Those in favor indicate by aye.

[Chorus of "ayes"]

Opposed.

[No response]

Abstain.

[No response]

Section 5 is adopted.

MR. SCHRAG: Mr. President, I move the adoption of Section 6.A.

VOICE: Second.

MR. CASSELL: Moved and seconded that Section 6.A be adopted.

Discussion? Moore, Love.

MR. B. MOORE: I move to delete the word "prior" and insert the word "after" and to put a period after "Congress," and delete the rest of the sentence, so that it would read:

"The Senators-elect and Representatives-elect chosen by the people after admission of the State to the Union shall serve as United States Senators and Representatives in Congress."

MS. CORN: Second.

MR. CASSELL: All right, it has been moved and seconded that the language as read by Brian Moore be inserted

after "people" on the second line.

Discussion? Simmons.

MS. SIMMONS: I understand what Delegate Moore's intent is. He believes that because we are here in the District and we don't have a great distance, that the lobbying which is the purpose of having Senators-elect and Representatives-elect to do the lobbying and participate with getting through both Houses, our constitution, he feels that our proximity to the Congress makes it unnecessary to elect such persons.

Also, he has less faith than I do. I am convinced that we are not going to be as long as New Mexico getting statehood; I think it's going to happen in 1984.

So I am suggesting that we do indeed need to have these persons who have been entrusted with the public trust to do that lobbying. If these people are not elected now, outside of the Compact Commission, and outside of the Statehood Commission, both groups who have been selected rather than generally elected by the populace, and who do not, except in their other titles, hold public trust, that that is very different than what would be the Congressional representatives elected by the process and for the purpose as indicated in this section.

It is for all of those reasons that I believe that we should indeed have those persons, so when they speak they are speaking for the total electorate and the public trust of all of the people, and not having been selected by the five delegates who were elected here to represent a ward, who in turn selected other people from that ward, which is the composition, as we all know, the make-up of the Statehood Commission.

This public trust, I think, is terribly important, is valid, and makes sense, and I would hope that you would vote down the word "after" and leave the sub-section as indicated, with "prior".

MR. CASSELL: Okay, the next three speakers are Love, Robinson, and Kameny. Before we do, a little intelligence. I think I heard somebody say earlier that the City Council--or did I understand correctly--somebody say that the City Council was considering today legislation regarding the time and the date for the voting on Senators and ---

MR. C. MASON: That will be on Tuesday.

MR. CASSELL: Is there any advance information on what they intend to do?

MRS. MASON: Yes.

MR. MASON: The committee [inaudible] last Tuesday,

and did not make any change in the proposal of the pending, that is, the Dixon bill, which has been amended.

MR. CASSELL: I think we ought just to know that there is that legislation that they will consider, which does indeed run counter to what we are considering now.

Delegate Love?

MR. LOVE: Mr. Chairman, I would like to offer a substitute amendment, if I may.

MR. CASSELL: You may.

MR. LOVE: Basically it would read as follows:
"If Senators-elect and Representatives-elect are chosen by the people prior to admission of the State to the Union, they shall serve as United States Senators and Representatives in Congress until their successors have been elected and have qualified, as so prescribed by law."

MR. CASSELL: Let me ask you a question about that. You say if they are elected, but it doesn't indicate when they are elected.

MR. LOVE: [inaudible] the City Council to decide if and when they are elected, to decide whether or not they [inaudible] Congress. I think this is not a proper issue for us; I think it is a proper issue for the City Council. What this does is basically allows the City Council to decide if

and when they are elected and to decide by law when they automatically become Senators and Representatives. Since this is somewhat controversial, I think it [inaudible] without worrying about this.

MR. CASSELL: May I ask for the committee's response to that, please.

VOICE: Was that seconded?

MR. B. MOORE: It wasn't.

MR. CASSELL: Was that seconded?

VOICE: No.

MR. CASSELL: Apparently it wasn't, I'm sorry; it dies for lack of a second.

Delegate Robinson.

MR. ROBINSON: Thank you. Mr. President, I stand in support of the amendment, and I stand for the following reasons. As we all know, the District of Columbia already has a Representative in the Congress ---

VOICE: Who's opposed to statehood.

MR. ROBINSON: --- with immediate access to both Houses of the Congress. And I should also point out to my fellow delegates that our Representative, non-voting delegate in the Congress, has been appointed and sworn in in these halls as a member of one of the most important commissions

that is an outgrowth of this Convention.

Also, sir, I believe that if we brought in three additional members to Capitol Hill, that this will help to create negativeness as opposed to positiveness in terms of furthering the cause of statehood.

Finally, sir, I believe that the proximity, as touched upon by Delegate Simmons, will work in our favor. We are literally in the backyard of the Congress, or the Congress is literally in our backyard.

MR. CASSELL: All right, Delegates Kameny, Bruning, Schrag, and then Moore.

MR. KAMENY: I have two questions that I would like to address to the maker of the motion, and then make a brief comment.

First, as I understand what will be left of this section, all you are saying is what is self-evident: once we are a state, when we elect our Representatives and Senators, they will be our Representatives and Senators. Why didn't you move to delete altogether? You are leaving a rather silly nullity in terms of what you are proposing to leave here. Read what you have left by your motion: The Senators-elect and Representatives-elect chosen by the people of the State, which is what you are saying, shall serve as

Senators and Representatives. That happens any time a state elects a Senator and Representative.

Now, secondly, I want to know specifically what is the reason and purpose and intent of your amendment. You have not stated it, you have not made it clear.

MR. B. MOORE: I haven't been able to.

MR. KAMENY: I am asking you a question, and if the chair allows you to ---

MR. CASSELL: Delegate Moore, why don't you speak to that question now.

MR. B. MOORE: Okay, fine.

MR. CASSELL: That is, speak to the question.

MR. B. MOORE: His question.

MR. KAMENY: The reason and intent of your amendment.

MR. B. MOORE: Well, in response to your two questions--number one, by leaving it in here, it's a clear message to the City Council, who has the initiative before them now, can make amendments to it, to change it according to the spirit of how the constitution was drafted by forty-five delegates and voted on.

I think if we delete it, we do not adequately communicate to the City Council who have that initiative in their

possession to change it, so that it would keep Senators and Representatives from becoming paid lobbyists for the District.

MR. KAMENY: The other half of my question was in effect--I said why are you making amendments, what is your opposition to ---

VOICE: He just said, based on ---

MR. B. MOORE: Well, that answer would be my presentation. But, with permission of the President ---

MR. CASSELL: No, you are going to speak last.

MR. KAMENY: In that case, I would like to make my brief comment, Mr. Chair, that I said I was going to do.

MR. CASSELL: Yes.

MR. KAMENY: I feel that this amendment is a poor one, that the initial language is good, that it creates these lobbyists who--anybody can appoint himself a lobbyist; it creates lobbyists who have been elected by the people of the District and therefore have the full imprimatur of the citizens of the District to go up to Capitol Hill and carry with him the bid for statehood. They thereby gain the stature on [inaudible] and are not self-appointed lobbyists. I think this is important, and therefore I urge that this section be left unchanged, and that this amendment therefore be voted down. Thank you.

MR. CASSELL: Bruning, Moore, and then lastly will be Schrag.

MR. BRUNING: I call the previous question.

VOICE: Second.

MR. CASSELL: Delegate Bruning, I indicated to Delegate Moore that he would have an opportunity to speak on his motion, which he hasn't, and I indicated to the committee that they would have an opportunity to respond. Two more.

Delegate Moore, and then the committee.

MR. B. MOORE: Thank you. I am opposed to the election of the United States Congressional and Senate representatives until statehood is finally approved by the United States Congress, for the following reasons.

Number one, assuming that the elected representatives would be paid the standard salary, it would appear unwise to spend approximately one-quarter of a million dollars a year on an effort with no time frame nor certainty--Mr. Chairman, could I have order please.

MR. CASSELL: Yes, may this gentleman have order.

MR. B. MOORE: We would have to finance three representatives, three offices and three staffs, or secretaries at least, that's number one.

Number two, geographically, as Mr. Robinson

mentioned, we are already situated in the city of national government, and have instant access to our federal legislature.

The Tennessee plan, which allowed other states to lobby the national Congress, were beneficial to states that were located a further distance away, such as Alaska and Hawaii.

Number three, the District already has an elected representative to the Congress with established access and familiarity with the people on the Hill.

Number four, the representatives elected may adversely impact upon some legislation due to their personalities, their philosophies, or even their political parties.

Number five, we are in very difficult economic times now, and the salaries for three individuals, the staff, would appear to be unnecessary and wasteful.

Number six, the presence of three or more individuals may create negative feelings among our present delegate, Fauntroy, among the chairmen of committees now in Congress, and other Congressmen who may feel threatened.

MR. CASSELL: Excuse me, Delegate Moore, didn't you make that argument before rather extensively.

MR. B. MOORE: No, maybe you remember me over at

the City Council chambers.

MR. CASSELL: No, no, no, it was right here, one of these days when you had some of your charts up there. It was an extended article, and you got some support on the fact that it would cost too much money. Suffrage, yes, yes.

I am going to rule that particular motion out of order simply because your explanation is an explanation which has been given extensively to this body and the body has voted it down.

MR. B. MOORE: Oh, come on, Mr. President.

VOICE: Wait a minute.

MR. CASSELL: Well, that's the ruling, sir.

MR. B. MOORE: I object to that.

MS. CORN: Challenge the ruling! Challenge the ruling!

MR. B. MOORE: Can I not use this--I appeal ---

MR. CASSELL: Your only option is to challenge the ruling of the chair, so we can move on.

MS. CORN: Challenge the ruling, Brian!

MR. CASSELL: Delegate Corn, would you please be quiet.

MR. B. MOORE: I appeal the decision of the chair.

MR. CASSELL: All right, is there a second to that?

MS. CORN: Second.

VOICE: Second.

MR. CASSELL: All right, the chair's decision on this has been appealed.

Would you care to state the reason you would like to have this decision appealed?

MR. B. MOORE: Yes. I just believe that the rationale I gave is germane to the motion that I presented to the floor--and I don't even remember what motion you are talking about--but if I did want to use some of the same arguments, I have that right.

MR. CASSELL: Well, let me interrupt you to say--yes, I understand you are using the same arguments. Now, would you tell me how this argument today differs from the one that has already been rejected by the body? That is the basis for the ruling of out of order.

MR. B. MOORE: It's for different officers in the government.

MR. CASSELL: That is the difference? Go ahead.

MR. B. MOORE: At least one of the differences, yes.

MR. BLOUNT: Point of information.

MR. CASSELL: Point of information.

MR. BLOUNT: I would just like to appeal to the Chairman to withdraw his decision.

MR. CASSELL: That is not a point of information, sir.

MR. BLOUNT: Let me finish.

MR. CASSELL: No, no, you can't finish. You said it was a point of information--it's either you want to give it or get it.

MR. BLOUNT: I am trying to give some information I think will speed up the work of the Convention, if I will be allowed to say it; I will be very short.

I think if the chair will withdraw his decision, we can go ahead and deal with Brian's whatever it is, and get through with it and it will be shorter than going through the whole ---

MR. CASSELL: The chair is persuaded that you are right, okay. Go ahead, let us finish.

MR. B. MOORE: Thank you very much. As I was mentioning, the six of seven reasons were that the presence of three more individuals may create negative feelings amongst the present legislators, including our own Delegate Fauntroy and chairmen of committees. It's the human factor, but we always have to take that into consideration.

We can still appoint lobbyists. Just because we are not going to have paid Senators and U. S. Congressmen, we can still have a select group of people that will represent the District of Columbia.

For those reasons, I urge my fellow delegates to amend this motion on the floor to include the word "after" and delete the last phrase.

MR. CASSELL: Okay, thank you. Delegate Schrag, last speaker, for the committee.

MR. SCHRAG: I just want to make clear that what we are voting on is not whether to have Senators-elect and Representatives-elect before we become a state; that is settled in the initiative, we are going to have them--that is the law.

All this section does is to say that, whoever they are, they may remain in office until we have elections for new people to replace them, and if we were to pass the Moore amendment we would have the curious situation in which, for the first few months of our statehood, before we could organize elections, we wouldn't have any representation in Congress, and we would have done it to ourselves.

Therefore I urge you to reject the amendment.

MR. CASSELL: Mr. Secretary, would you read the

motion on the floor, please.

MS. CORN: Point of order.

MR. CASSELL: Would you allow the Secretary to follow the request.

MS. CORN: I would like to make a substitute motion.

MR. CASSELL: I am saying to you, please be quiet until ---

MS. SIMMONS: That's not a point of order, to make a motion.

MR. CASSELL: The amendment is to be read now.

MR. COOPER: The amendment put forth by Mr. Briar Moore is in line two of paragraph 6.A to change the word "prior to" to "after," and to strike all of the language following [sic] the word "until," thus inserting a period after the word "Congress."

MR. CASSELL: Okay, those in favor of the amendment by Delegate Moore ---

MR. LOVE: I would like to move the previous question.

MR. CASSELL: You don't have to move it; you are asking that while I am actually calling for a vote. Those in favor ---

MR. LOVE: No.

MR. CASSELL: No, no. Those in favor of the Moore amendment as read indicate by saying aye, please.

[Chorus of "ayes"]

Those opposed.

[Chorus of "noes"]

Abstain.

MR. B. MOORE: Division.

MR. CASSELL: Motion loses.

MR. B. MOORE: Division.

MR. CASSELL: Let me see the hands of those who support Delegate Moore's amendment.

MR. COOPER: 5.

MR. CASSELL: Those opposed.

MR. COOPER: 19.

MR. CASSELL: Abstain.

MR. COOPER: 1.

MR. CASSELL: Okay, the motion loses. Back to the original motion, Section 6.A.

Those in favor of 6.A ---

MS. CORN: No, sir--another amendment.

MR. CASSELL: Is this amendment really necessary? You've had your turn now. Delegate Rothschild.

MS. CORN: Mine is better than his.

MR. ROTHSCHILD: I would like to amend Section A, that after "Congress" it would "without compensation before admission to the Union except they may be reimbursed for expenses."

MR. CASSELL: Is there a second to that motion?

MS. CORN: Second.

MR. ROTHSCHILD: All right, Mr. Secretary, please read that back one more time.

MR. COOPER: After "Congress" insert "without compensation before admission to the Union except they may be reimbursed for expenses."

MR. SCHRAG: Point of order.

MR. CASSELL: Point of order.

MR. SCHRAG: Mr. President, I believe that this is not germane to the second being amended, because the section being amended takes effect only after admission to the Union, and the amendment has to do with only the period before admission to the Union. And therefore it does not belong in this article.

MR. CASSELL: Let me think about it.

MR. SCHRAG: Under Section 1, which we have already passed, this section doesn't take effect until after admission.

[Pause]

MR. CASSELL: Yes, Delegate Schrag, would you state your point of order again. First of all, let's make clear that what Delegate Rothschild is indicating is that such Senators and Representatives should serve without pay until their successors have been elected and have been qualified.

Your point of order is?

MR. SCHRAG: You mean that they shall serve without pay after we are admitted or before we are admitted?

MR. ROTHSCCHILD: Before we are admitted.

MR. SCHRAG: He means before we are admitted, okay. Now, my point of order is that that is not germane to the section, because Section 1 says that Section 6, which we are now amending, enters into force when we become a state.

MR. ROTHSCCHILD: Yes, I withdraw it.

MR. CASSELL: Okay, on the floor we have Section 6.A. Are there any amendments now?

Okay, those in favor ---

MS. CORN: Yes, yes, other amendments.

MR. CASSELL: Yes, Delegate Corn.

MS. CORN: I would like to amend the section to read as follows: "The Senators-elect and Representatives-elect

chosen by the people prior to admission of the State to the Union shall serve as United States Senators and Representatives in Congress until admission of the District of Columbia to the Union as a State. However, ---

VOICE: Point of order.

MS. CORN: Let me finish. "However, ---

MR. CASSELL: Delegate Corn, I know you would like to ---

MS. CORN: Please let me finish.

MR. CASSELL: Delegate Corn, when I speak to you I want you to respond to me, and I don't want you to instruct me, is that clear?

All right, I am asking you to address the chair. It's the height of discourtesy ---

MS. CORN: I'm sorry.

MR. CASSELL: --- to turn your back to the chair and to make me have to ask questions again.

Now, please proceed.

MS. CORN: Okay. "However, by law the Council of the District of Columbia shall provide for the election of the Senators and Representatives of the state. Regular or special primary and general elections shall be held for these offices within 120 days after the initial apportionment plan

enters into force, except that these elections shall not take place during July, August or before September 15, and the 120-day limitation may be extended, if necessary, in order to avoid having to hold these elections during these months."

MR. CASSELL: Delegate Corn, let me ask you: first of all, that's a substitute motion.

MS. CORN: Yes.

MR. CASSELL: Secondly, do you expect that this is going to be passed?

MS. CORN: Yes.

MR. CASSELL: I am asking you this simply because you have made amendment after amendment after amendment which have not really been sympathetic to ---

MS. CORN: Sir, ---

MR. CASSELL: Delegate Corn, I might have to ask that you be expelled if you don't even let me finish my statement to you, all right? Now, that's a matter of control and we all have to learn it; most other people can do that.

I am just saying to you, because, you see, there are several others coming up, all right? I don't want to spend all night having to put motions that are obviously going to lose, that are an expression simply of an individual's determination simply to modify without some indication of how

the body feels. It's just a waste of time.

Now, we are going to put this one, all right, but I am going to be very careful about allowing you to make others because you are taking up time and I don't know ---

MS. CORN: May I respond to you?

MR. CASSELL: No, I didn't ask you this, I am not talking for a debate; I am giving you some ---

MS. CORN: You asked me do I think this will pass?

MR. CASSELL: Well, the answer to that is yes and no. And there is a reason for that, right?

MS. CORN: No, I haven't answered.

MR. CASSELL: You understand that answer is one word--yes or no.

MS. CORN: I would hope so.

MR. CASSELL: Thank you. Is there a second to that motion?

MR. ROTHSCHILD: Second.

MS. CORN: May I explain my point of view?

MR. CASSELL: No, you may wait until I recognize you for explaining.

VOICE: Move the previous question.

MS. CORN: I have a right to speak in favor of my own amendment.

[Pause]

MS. CORN: May I speak to my motion?

MR. CASSELL: Okay, you heard my admonition, didn't you, right? This may be the last time that you have an opportunity to amend, all right? And we don't want to spend all night trying to overrule the chair.

MR. ROTHSCHILD: Point of order.

MR. CASSELL: Because that is not the purpose, right?

MR. ROTHSCHILD: Point of order, the ---

MR. CASSELL: Sir, you are out of order, and you are not helping the process. Remember, we are not here to debate and make points, we are here to make time. And I want you to respect that also.

MR. ROTHSCHILD: Well, I [inaudible].

MR. CASSELL: I want you to respect it, and I want you to sit down! You cannot win by jumping up, right? Now, this is an emotional thing, so sit down, sit down, you are not helping anything.

MR. ROTHSCHILD: May I ask the chair to ---

MR. CASSELL: You cannot do anything other than waste time--sit down, please, sir!

Delegate Corn.

MS. CORN: I would say this. First of all, any amendment I wish to make would be in order, and whether this body votes it up or down is not the criterion of whether I am right or wrong. The south's [inaudible] of slavery was in order; they were obviously wrong. The German ---

VOICE: Point of order.

MR. LOVE: Point of order, Mr. Chair.

MS. CORN: I have a right to defend the accusations of the chair.

MR. CASSELL: Delegate Corn, a point of order has been called. What you are supposed to do when a point of order is called is to, first of all, stop talking, right?

MR. THOMAS: I call for the order of the day.

MR. CASSELL: And allow the chair to recognize the person making the point.

Delegate Love.

MR. LOVE: Mr. Chairman, the speaker is not speaking to her motion.

MS. CORN: That was a point of personal privilege.

MR. CASSELL: Delegate Corn, first of all, you didn't ask for a point of personal privilege, you are wasting time, please sit down.

MS. CORN: I would like to speak to my motion,

—
please.

MR. CASSELL: I'm sorry, you lost your opportunity to speak to your motion. Please, would you vacate the floor.

MS. CORN: Sir, I would like to speak to my motion. There is a good reason why I made this amendment, and it has been seconded. It is in order that I speak to it under the rules. If you will give me two minutes, we will waste a lot less time.

The reason ---

MR. CASSELL: Listen, ma'am, I am going to give you one more time. Now, I want you to think very carefully before you open your mouth; think of the motion that is on the floor, right? Think of exactly what it is you want to say, right? And if you give me one word which is obviously not germane, then you are off the floor, and I am not going to call on you again.

And I would ask this body to support me.

Let's try it one more time.

MS. CORN: All right, the reason I gave you this substitute motion to this is a lot of people are saying that when you elect these Senators and Representatives, their first and primary duty is going to be as lobbyists to get

statehood for the District, lobbyists on the Hill. And then the reason that was given why they should be part of an election is because after all they are--after we get statehood, they will stay in office for a certain amount of time as Senators and Congressmen or women.

Therefore, to obviate that situation--after all, someone who is a good lobbyist may not necessarily make a very good Senator or Representative--to obviate that kind of a situation, this would take care of it. This makes them Congressmen and Senators with the only purpose to lobby for statehood until we are admitted to the Union, and then a new election would take place for Congressmen and Senators to be regular Congressmen and Senators. They would not be able to then act in the ordinary fashion that Congressmen and Senators do act.

And that is why I urge you to support my amendment. This way you will not be voting for one person in the ---

MR. CASSELL: Thank you, may we have that in writing? It was a long, long thing.

Those in favor of the Corn amendment please indicate by saying aye.

[Two or three "ayes"]

Those opposed.

[Chorus of "noes"]

Abstaining.

[No response]

Motion loses. The motion on the floor is Section 6.A. Has that been amended, Mr. Secretary?

MR. COOPER: No.

MR. CASSELL: 6.A as written. Delegate Bruning.

MR. BRUNING: Move the previous question.

VOICE: Second.

MR. CASSELL: Those in favor of closing debate please indicate by saying aye.

[Chorus of "ayes"]

Opposed.

[One "nay"]

Abstain.

[No response]

The motion on the floor is to adopt Section 6.A. Those in favor indicate by saying aye.

[Chorus of "ayes"]

Those Opposed.

[Two or three "noes"]

Abstain.

[No response]